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14 *Epic Games, Inc.*

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 **OAKLAND DIVISION**

19 EPIC GAMES, INC.,

20 Plaintiff, Counter-defendant,

21 v.

22 APPLE INC.,

23 Defendant, Counterclaimant.

24 Case No. 4:20-CV-05640-YGR-TSH

25 **DECLARATION OF MICHAEL ZAKEN  
IN SUPPORT OF EPIC GAMES, INC.'S  
OPPOSITION TO APPLE INC.'S MOTION  
TO MODIFY ORDER REGARDING  
WITNESS COMMUNICATIONS**

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28 Judge: Hon. Yvonne Gonzalez Rogers

1 I, Michael Zaken, declare as follows:

2 1. I am a Partner at Cravath, Swaine & Moore LLP, counsel to Epic Games, Inc.  
3 (“Epic”) in the above-captioned actions. I am admitted to appear before this Court *pro hac vice*.

4 2. I submit this declaration in support of Epic’s Opposition Memorandum to Apple,  
5 Inc.’s (“Apple”) Motion to Modify Order Regarding Witness Communications dated October 15,  
6 2024.

7 3. I have personal, first-hand knowledge of the facts set forth in this Declaration. If  
8 called as a witness, I could and would competently testify to these facts under oath.

9 4. Attached hereto as **Exhibit A** is a true and correct copy of a document that Apple  
10 has produced in this matter with Bates Stamp APL-EG\_10804280.

11 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
12 and correct and that I executed this declaration on October 15, 2024 in New York, New York.

13  
14 */s/ Michael Zaken*  
15 Michael Zaken  
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## **E-FILING ATTESTATION**

I, Gary Bornstein, am the ECF User whose ID and password are being used to file this Declaration of Michael Zaken in Support of Opposition Memorandum To Apple Inc.'s Motion to Modify Order Regarding Witness Communications. In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from the signatory.

/s/ *Gary Bornstein*  
Gary Bornstein